



¹ In the Matter of Cutlers Green, Thaxted, Essex (No 1)

DECISION

This dispute relates to the registration at Entry No 1 in the Land section of Register Unit No CL 76 in the Register of Common Land maintained by the Essex County Council and is occasioned by the conflicting registration at Entry No 1 in the Land section of Register Unit No VG 69 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Chelmsford on 4 October 1978. The hearing was not attended by any person entitled to be heard, but before the hearing the Clerk of the Thaxted Parish Council stated in a letter addressed to the Clerk of the Commons Commissioners that the Parish Council would be willing for the land to be registered as a town or village green and asked for an adjournment so that a consent could be signed by the County, District, and Parish Councils and the lord of the manor of Thaxted. This request was supported by a letter from Messrs Norton, Rose, Batterell & Roche, solicitors for Mr A T B Shand, the lord of the manor.

A consent signed by the County, District, and Parish Councils and Mr Shand would not enable me to deal with the matter without a hearing unless it was also signed by Mrs J Hingston, the applicant for both the registration and the conflicting registration. Furthermore, Mr Shand is not a person entitled to be heard by virtue of being lord of the manor, though he may perhaps also be the successor in title of Sir Frederick George Binney, whose application for registration in the Ownership section of the Register Unit was undisputed.

In these circumstances it appears to me to be unnecessary for the parties to go to the trouble of preparing a formal consent. In so far as the persons entitled to be heard have made their views known, their wishes can be met at this stage of the proceedings. I therefore refuse to confirm this registration.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

23rd

day of

October

1978

CHIEF COMMONS COMMISSIONER